

EXECUTIVE SUMMARY

CHAPTER ONE INTRODUCTION

A critical social issue that is of great concern to many people is the relationship between the police and the community. Police misconduct is a serious issue that deeply impacts the trust and support the public will have in its police department. The Independent Police Auditor (IPA), in cooperation with the San José Police Department (SJPD), serves to assure the residents of San José that adequate mechanisms are in place to thoroughly investigate citizen complaints.

FUNCTIONS OF THE IPA

The IPA has three primary functions: (1) it serves as an alternate office where people may file a complaint, (2) it monitors and audits the investigations of citizen complaints conducted by the SJPD; and (3) it promotes public awareness of a person's right to file a complaint. The IPA's primary objective is to provide independent civilian review of the citizen complaint process and to bring about change through the policy recommendations it makes.

REPORTING REQUIREMENTS

The IPA reports are prepared on an annual basis however, starting this year, the IPA will be required to prepare a midyear statistical report. This Year End Report covers the period from January first through December thirty-first of 2001. This is the fourteenth report prepared by the IPA pursuant to the requirements of the San José Municipal Code Section 2.06.020 (c). This section states that the IPA's report shall contain, but not limited to the following:

- A. A statistical analysis documenting the number of complaints by category, the number of complaints sustained, and the actions taken;
- B. An analysis of trends and patterns; and
- C. Specific recommendations for change.

CHAPTER TWO

NEW ISSUES AND RECOMMENDATIONS

One of the most important functions of the Independent Police Auditor (IPA) involves identifying patterns and trends that will serve as the basis for the recommendations made to the San José Police Department (SJPD). These patterns and trends are identified through analysis of the data extracted from citizen complaints. Some of the IPA recommendations result from a significant number of complaints alleging similar misconduct, while other recommendations are corollary to concerns raised in complaints but have a significant impact on the SJPD. Every year, the IPA selects certain issues to research and bring forth in the year-end reports published by this office.

In this report, the IPA focuses on two issues: “Improvements Needed at the SJPD Information Center” and “Strategies in Recruitment and Retention.” The first issue addresses the need for customer service training and the overcrowding that exists at the SJPD Information Center. The second issue addresses the need to recruit and retain officers with excellent communication and interpersonal skills.

IMPROVEMENTS NEEDED AT THE SJPD INFORMATION CENTER

As a result of several reported and personal experiences and observations, the IPA decided to examine the operational procedures, policies, and training associated with the SJPD Information Center (Front Desk). At the outset, the IPA recognized that the police officers assigned to the front desk of the SJPD Information Center work in a stressful environment and deal with a wide range of people, from emotionally distraught victims, to suspects, to visitors who are there merely for business purposes. The IPA also recognized that the behavior of these officers has a major impact on the impression the public will have of the San José Police Department.

The IPA review of this subject revealed that being assigned to work as a front desk officer is not held in high esteem by other members of the SJPD and in law enforcement, in general. The IPA found that the lack of status for this assignment creates a training challenge in motivating desk officers to apply good customer service skills and techniques. It was also discovered that other factors exist which contribute to this situation, including the difficult duties and work environment for desk officers, the bidding process resulting in officers with the least amount of seniority and experience being assigned to work the front desk, the lack of incentive or premium pay for desk officers, and the limited training officers receive before being assigned to the front desk.

The IPA also noted that conditions for customers of the SJPD Information Center need improvement and described the following situations: the lobby is often overcrowded and uncomfortable; it is not easy to determine whether you are waiting in the proper line or where you should go to obtain the particular service needed; and families with small children and others must wait for long periods of time in the same confined area as convicted violent offenders and suspects who may be self-surrendering themselves for minor or serious crimes.

To address these needs, the IPA makes several recommendations in the area of modifying procedures, expanding the lobby, expanding customer service training, making safety improvements, and providing more opportunities for professional development for desk officers.

STRATEGIES IN RECRUITING AND RETENTION

POLICING IS ABOUT PUBLIC SERVICE

The City of San Jose, like many other cities across the country, established community or service-oriented policing, which emphasizes communication and cooperation with citizens as well as informal problem solving. Fostering strong partnerships between the public and the police has led to making the City of San Jose the safest large city in the nation with the lowest crime rate. Of the 525,000 citizen and police contacts that occurred in 2001, less than 5% resulted in an arrest. The remainder involved police officers performing service oriented functions requiring varying degrees of communication with members of the public.

Since the police spend 95% of their time handling service related calls, it stands to reason that the San Jose Police Department (SJPD) recruit and hire officers with strong communication and interpersonal skills. It is a known observation that there is a direct correlation between officers who seldom generate citizen complaints, lawsuits or pre-lawsuit claims, with officers possessing strong people skills.

Research conducted in the United States and internationally indicates that female officers utilize a style of policing that relies less on physical force and more on verbal skills.¹ According to studies conducted by the National Center for Women and Policing (NCWP), female officers are more successful at defusing potentially violent confrontations, and are less likely to become involved in the use of excessive force. Female officers often successfully resolve situations that might otherwise lead to allegations of excessive force, by

using tactics and techniques that de-escalate potentially violent situations.²

In a study conducted by the Feminist Majority Foundation and NWCP, about the Rampart scandal, their study revealed that there was a significant gender gap in the cost of police brutality and misconduct as a result of civil liability against the Los Angeles Police Department (LAPD). Male officers were involved in excessive-force and misconduct lawsuits at rates disproportionately higher than their female counterparts.³ The City of Los Angeles paid out at a rate of 23 to 1 for male officers vs. female officers even though the male to female ratio is 4 to 1 for the patrol division.⁴

More than ten years ago, the Christopher Commission⁵ recommended that the LAPD hire more women as a means of reducing police brutality. This recommendation followed an already existing federal consent decree known as the Blake Decree, which set hiring goals for women, Hispanics and African-Americans.

The IPA examined statistical data to assess whether there is any indication that less complaints result from enforcement actions taken by San Jose female officers, whether this is attributed to better communication skills, and how to attract a higher percentage of female applicants to the SJPd force.

METHODOLOGY

In preparing this analysis, the IPA reviewed different sources of information. A review of all citizen complaints filed in the last five years was conducted. In addition the number and type of lawsuits and city claims were examined. Current recruiting and retention policies, procedures, written materials, and approaches were studied. Interviews were conducted with selected members of the San Jose Police Department. Information from other law enforcement agencies was also examined. The primary reference tool used to prepare this report was the publication entitled "Recruiting and Retaining Women," published by the National Center for Women & Policing (NCWP).

STATISTICAL ANALYSIS

An analysis of citizen complaints from 1997 through 2001 was conducted. During this time period a total of 1,379 complaints were filed and of those only 5% were filed against female officers. Female officers comprise 9% of the San Jose Police Department. A further breakdown of those complaints revealed that of the 728 Unnecessary Force allegations, only 2% were filed against female officers. Also, of the 210 complaints

that were sustained in the last five years, only 5% were sustained against female officers.

The IPA also examined lawsuits and claims filed against the City of San Jose resulting from a police action. In the last three years, 1999 through 2001, there were 89 lawsuits that resulted from a police action. Individual police officers were named as defendants in only 41 of these lawsuits and only two of these officers were female.

Claims are separate actions from lawsuits however, some claims did result in subsequent lawsuits. For the two years of data reviewed, 2000 and 2001, there were a total of 78 claims. In 18 claims, no specific officer was named. Of the remaining 60 claims, there were 63 officers named and of those, only three were female.

The data above indicates that quantitatively, female officers generated fewer citizen complaints, had fewer Unnecessary Use of Force allegations, were named less often in law suits, and were named less frequently in pre-lawsuit claims against the City of San Jose.

UNDER-REPRESENTATION OF WOMEN IN POLICING

The San Jose Police Department has made significant advances in recruiting, retaining, and promoting women in the last ten years. The leadership of the San Jose Police Department is committed to increasing the number of female officers. There is a total of 132 female officers and approximately 11% are part of the command staff. Currently, there are nine Sergeants, four Lieutenants, and one Deputy Chief serving in the San Jose Police Department. Two of the three department recruiters are women.

Even with all these efforts, representation of women in the SJPD is still low. The optimum goal would be to have the percentage mirror the female workforce of the County of Santa Clara, which is 46%. Women comprise 9% of the total police force and in the past five years the percentage of women in the SJPD has only increased by 1%. Nationwide, women average between 13% and 15% of sworn law enforcement personnel in cities of over 100,000 population.

RECRUITMENT STRATEGIES

Traditional recruitment strategies throughout the country have failed to emphasize those areas that are of particular concern to women such as mentoring, support groups, acceptance by their male colleagues, opportunities for advancement, and maternity-family leave related issues. Organizations like the Feminist Majority Foundation and the National Center for Women & Policing (NCWP) under the direction of retired Chief Penny E. Harrington, have spent many years studying and creating comprehensive tools to address the recruitment, hiring, and retention of policewomen.

A review of the job descriptions posted on the internet by several law enforcement agencies including the San Jose Police Department, revealed that they all list similar minimum. Only one agency incorporated in its job description other dimensions suggested by the Peace Officers Standards & Training (POST) such as: Interest in people, interpersonal sensitivity, communication skills, problem solving ability, good judgment under pressure, integrity, and credibility as a witness.

According to the National Center for Women & Policing, the key to developing the best job description for the position of a law enforcement officer, is to emphasize the value the organization places on community policing and detail the skills and duties required to successfully implement community policing.

Recruitment materials should be reviewed and designed so that it is clear that the SJPD values having women serving in all capacities. Recruitment materials should prominently display women in a variety of law enforcement assignments. These materials should also acknowledge and reinforce the importance of family and the reality that many officers have spouses working in the same profession and/or agency.

PROMOTIONAL ADVANCEMENT FOR WOMEN

While men and women join the police department for similar reasons, the reasons for leaving may be different. The reasons female officers leave may be due to family related issues such as the birth of a child, childcare problems, shift work, and challenges with children entering school. While family related challenges are not exclusive to women, the impact is greater to an already small pool of female officers.

Policies should be in place to ensure that officers are not leaving the SJPD because of a lack of opportunity for assignment into specialized units. Specialty units offer new challenges and experiences that expand the scope of an officer's background and which directly impact promotional opportunities.

A concern expressed by some sergeants, is that there is no written mandate that openings, for sergeants into specialized units, be posted or open to all qualified candidates. While the San Jose Police Department's Sergeant Transfer Policy does not explicitly require that openings be formally announced, the police department for years has encouraged a practice consistent with the transfer policy for officers that does require posting. The goal is to make assignments to all units open, accessible and gender neutral.

In order to attain this goal, the SJPD should address the following: how job openings are posted, the application process, how to expose all sergeants to different unit commanders, how to increase the pool of eligible candidates, and how to ensure that all candidates are fairly considered for the assignments.

CONCLUSION

Statistical data analyzed by the IPA revealed that, in proportion to the number of female officers represented in the SJPD, female officers received significantly fewer citizen complaints and had less complaints sustained against them. Female officers had less allegations of using excessive force. In addition, female officers were named less frequently in lawsuits, and generated fewer pre-lawsuit claims. With the limited research conducted by the IPA, it cannot be concluded that the low number of complaints and lawsuits generated by female officers is based on gender. However, in assessing the totality of the research and the data collected, there is a baseline of information from which to infer that female officers at the SJPD may have used a more conciliatory approach to policing and may possess a higher degree of communication and interpersonal skills.

In addition, ongoing training for all officers to better develop their communication skills, which are also known as perishable skills, is recommended. Emphasis in communication and interpersonal skills is intended to augment officer safety training because it must be acknowledged that there are those calls police officers respond to where no degree of communication skills will peacefully resolve the situation. In the Independent Police Auditor's (IPA) 1999 Year End Report, the Auditor recommended that the SJPD provide training to improve officer's basic, day to day communication skills. A pattern that was detected in analyzing citizen complaints was that the genesis of the complaint was attributed to a breakdown in communications between the officer and the citizen. A two hour "Tactical Communication" class was designed for the purpose of improving the officer's approach and interaction with the public. All officers, including command staff, attended this training which, has now been adopted as part of the continuing professional

training.

The information reviewed also found that the department has made, over the past several years, ongoing improvements to its recruiting efforts and is currently working to further refine those efforts. Some targeted efforts, however, have been precluded by recent changes in the law restricting affirmative action practices. Still, the success rate of community policing can be increased by incorporating additional approaches to policing such as practicing a more conciliatory, less aggressive style of policing. The changes advocated above and the recommendations below, in recruitment and retention policies, are not intended to establish preferential treatment for women. Rather, these changes simply make sure women are included in all phases of recruitment in order to increase the quality and quantity of SJPD applicants. Similarly, the retention recommendation will improve the work-life and work atmosphere for all officers.

RECOMMENDATIONS

1. Develop job descriptions that also include those skills necessary to effectively implement community policing such as communication, conflict resolution, and interpersonal skills.
2. Design and implement recruiting strategies that address family related issues.
3. Revise the policies governing sergeant transfer opportunities to require that openings be posted, and that the application and selection process provide all candidates a fair opportunity for the assignment.
4. Continue to develop and provide training in communication and interpersonal skills.

END NOTES

¹ National Center for Women and Policing

² Men, Women, and Excessive Force: A Tale of Two Genders, Dr. Kimberly A. Lonsway.

³ Los Angeles Times, October 2, 2000, "More Women in the Ranks Would Stem LAPD Brutality"

⁴ Men, Women, and Excessive Force: A Tale of Two Genders, Dr. Kimberly A. Lonsway.

⁵ The Christopher Commission was appointed to investigate allegations of police brutality by the LAPD following the Rodney King incident. This commission analyzed all of the use of force reports, citizen's complaints, and lawsuits involving excessive force against the LAPD.

CHAPTER THREE

UPDATES ON PRIOR ISSUES & RECOMMENDATIONS

This chapter contains updates on prior recommendations made by the Independent Police Auditor (IPA). The IPA tracks all prior and pending recommendations until a final resolution to each recommendation is reached. In addition, random audits to measure compliance with prior recommendations are also reported in this chapter.

PROVIDING THE PUBLIC INFORMATION ABOUT THE IPA AND COMPLAINT PROCESS

In the 1995 Mid-Year Report, the IPA recommended that the San Jose Police Department educate and train command staff, all officers, and dispatchers on the purpose and functions of the Office of the Independent Police Auditor, including where a complaint could be filed. During the 2001 calendar year, IPA staff called three different SJPD telephone numbers to determine if proper information was being provided to the public about the IPA, IA, and the procedures for filing a misconduct complaint against a SJPD officer. IPA staff called SJPD telephone numbers that members of the public would most likely call for this type of information, including the SJPD Watch Commander, the 311 non-emergency extension and the Bureau of Field Operations.

None of the calls produced a correct referral to either the Internal Affairs Unit or the IPA nor was any information provided about how a misconduct complaint could be filed. In only one case was the caller referred to the IPA office and in that case the wrong number was provided.

RECOMMENDATION

To ensure that accurate and updated information is being provided to the public about the citizen complaint process and the functions of IA and the IPA, an on-going training program for all SJPD staff members, especially those who are in positions to provide information to the public, should be instituted and maintained. Information should be available within the SJPD Lobby officer's duty station, so that officers can provide the public with expedient and accurate information. Desk officers working this station who are not able to locate the necessary information to make the proper referrals should direct the caller to the Customer Service Call Center (277-4000). The SJPD should adopt a procedure that directs all San Jose police representatives who receive a citizen complaint, or potential complaint, to refer that citizen to the on-duty Watch Commander, Internal Affairs Unit, or the Independent Police Auditor.

ETHICS & INTEGRITY STANDARDS

In the 2000 Year End Report, the IPA recognized that public trust in police is defined as having a strong reliance on the integrity, ability, and character of the police. It can only exist when the police execute their duties fairly, courteously and with no more force than necessary. Last year's report reviewed the ethics and integrity standards of the SJPD and found them to be aligned with those of the community, in large part, because Chief Lansdowne requires that all members of the SJPD take the four hour ethics training class offered by the department.

However, the IPA felt there needed to be a better way for the SJPD to evaluate the effectiveness of this training program and the overall ethical conduct of its officers. To address this need, the IPA recommended that the SJPD implement a process by which the police department can assess the current knowledge, attitudes, or views of police officers towards the required ethical conduct expected of each officer.

The IPA, in conjunction with the SJPD, has developed a survey form that is based on a successful program utilized by the Research and Preventative Division of the Australia Criminal Justice Commission. This survey is designed to measure attitudinal changes in ethical conduct by regularly administering the survey to recruits, first year and experienced officers. It is anticipated that the SJPD will begin administering the survey in the 2002 calendar year.

To further develop an environment where employees would feel encouraged to report misconduct, the IPA also recommended that the SJPD incorporate the federal Whistleblower guidelines and develop a comprehensive Whistleblower policy. However, the SJPD felt that since SJPD employees were already subject to the same local, state or federal requirements that are applicable to all City employees, a separate policy for police employees was not necessary.

Having adopted the IPA's recommendations, the SJPD now includes the following statement in all printed complaint materials, "Retaliation against complainants is prohibited. The Chief of Police will not tolerate retaliation and immediate action will be taken if an officer retaliates against a complainant directly or indirectly." Also, the SJPD continues to require that all officers from patrol officers to the Chief of Police receive the department's four-hour ethics training.

VEHICLE STOP DEMOGRAPHICS

Since July 1, 1999, the SJPD has been collecting data that identifies the ethnicity, gender, and age of every individual who is the subject of a vehicle stop by a San José police officer. The action taken against the driver as a result of the stop and the location of the stop is also tracked. The SJPD was one of the first major city police departments to voluntarily undertake this type of data collection effort in response to community concerns that officers engaged in racial profiling and conducted pretext stops of minority community members.

This data was analyzed by the SJPD in their report, Vehicle Stop Demographic Study for the period of July 1, 1999 to June 30, 2000, and they concluded that the data indicated that its officers do not engage in racial profiling. The IPA's analysis, however, determined the data indicated that Hispanics were stopped in certain areas of the City at a higher percentage than their population percentage and that further review was needed. Data from subsequent years would also be important to track in order to determine if any trends supported either analysis. However, a comparative analysis with data from July 1, 2000 to June 30, 2001 is yet to be done by the SJPD. It is recommended that the SJPD should compile and review vehicle-stop data on an annual basis and prepare a report to the City Council with this information.

Last year, while acknowledging that the SJPD was one of the first law enforcement agencies to collect vehicle stop data, the IPA recommended that the SJPD expand the types of data collected to include search and arrest data similar to the San Diego and Sacramento police departments. This data would provide a more detailed and reliable data to determine whether or not Hispanic or African Americans are being racially profiled.

However, it was anticipated at that time that the state would enact legislation that would require all law enforcement agencies to gather and report vehicle stop data. Therefore, the IPA agreed to place on hold its recommendation that the SJPD expand the fields of data collection to include search information, the factual basis for a stop, and the action taken by the officer as a result of the stop. Since it now appears that the state will not adopt such legislation, the IPA renews this recommendation and the SJPD should move forward to implement this recommendation.

OFFICER INVOLVED SHOOTINGS

The IPA has continued to participate as a member of the Officer-Involved Shooting Incident Training Review Panel, a formal process recommended by the IPA in 1998. This panel reviews all police shootings resulting in injury or death. The purpose of this review process is to determine if any training needs exist or if any changes need to be made to a current police policy or procedure.

In 2001, there were four officer-involved shootings, two of which resulted in fatal wounds to the suspect. In two of the four cases, the suspects were armed with weapons other than firearms. The suspect in one of these cases was injured, but the suspect in the second case was mortally wounded. Since both of these cases occurred late in the year, the review panel has not yet had the opportunity to review them.

However, even without a review of these cases, the IPA feels it is still important to re-emphasize one of our recommendations from last year that addresses this type of case: *“when suspects are not armed with a firearm, officers may have an opportunity to use alternatives other than shooting if they are not in imminent danger. In these situations, it is important to have less lethal weapons readily available. Retreat is not legally required but is an alternative in cases where officers need time to reassess the situation.”*

In the 2000 Year End Report, the IPA recommended that the SJPD continue to identify less lethal weapons, make them more readily accessible to officers and to provide more training in handling suspects with weapons other than firearms and suspects with mental illness histories. During the past year, the SJPD has expanded the number of less lethal weapons available to officers, such as the “L-8,” a shotgun-type weapon that fires a large 40 millimeter projectile which is designed to disable a suspect without killing or seriously injuring the suspect. The SJPD has also continued to improve and expand its force-option training. This training allows officers to react to live computer generated simulations that can be altered as the simulation progresses.

CITIZEN REQUEST FOR OFFICER IDENTIFICATION

This has been a long-standing issue for the IPA as it was first raised in the IPA 1997 Year End Report. Unfortunately, there has not been a significant reduction in the number of cases where this allegation has been raised. In 2000, there were 18 officer failure to identify cases. In 2001, there were 19 such cases. In 2000, the IPA recommended that the SJPD Internal Affairs Unit formally investigate allegations of officers refusing to identify him/herself under an Improper Procedure allegation.

Since there still has not been a reduction in this type of case, the IPA recommends that these cases continue to be formally investigated. The IPA also recognized that many of these cases result in a finding of "Supervisor Review" which does not imply that the subject officer did or did not commit the transgression as described by the complainant. The purpose of the Supervisor Review process is to provide an informal counseling opportunity between the subject officer, the subject officer's direct supervisor, and a supervisor from the Internal Affairs Unit.

During these meetings, the IA supervisor should stress the importance of complying with the requirements of Section C1409 of the Duty Manual and that even if the officer may have met the spirit of the rule, (i.e., writing name and badge number on the citation) officers are expected to strictly comply with its requirements and either provide the requesting citizen a department approved Incident Card with the officer's name and badge number or a department approved business card.

MEDIATION PROGRAM

As proposed by the IPA in 2000, the Mediation Program would be an alternative to the formal complaint investigation process that would allow the complainant and the subject officer to engage in meaningful dialogue with the hope of providing a resolution to the complaint. After completing a feasibility study, the SJPd and the IPA continued work in 2001 to design a pilot program in which members of the Judicial Arbitration and Mediation Services (JAMS) would act as mediators.

Mediation would only be recommended and intended to resolve those complaints where the misconduct alleged is minor, where the complaint is about demeanor, or where there is a misunderstanding about an enforcement action, a neglect of duty, or a police procedure. The process that was developed requires that complaints must meet strict criteria in order to qualify for consideration by the Voluntary Mediation Program. The key elements are that detailed reports articulating the circumstances surrounding the complaint must have been submitted, all parties involved must have voluntarily agreed to the process, and each agrees to maintain its confidentiality.

Update: Guidelines and procedures for the use of the mediation process were developed and adopted and the first mediation case was scheduled by the end of 2001.

CHAPTER FOUR

COMMUNITY OUTREACH

One of the three primary functions of the IPA is to increase community awareness of the citizen complaint process. This component is one element that sets this office apart from other police oversight models. Other police oversight models do not have community outreach as part of their primary functions.

In 2001, the IPA participated in 50 community events, which included eight presentations to the youth and three training sessions to San José Police officers. The IPA conducts surveys at every community presentation to identify those communities not familiar with the IPA and to learn more about the needs of the residents. In 2001, 74% of those surveyed said that they felt comfortable filing a complaint against a police officer. 65% said they have in the past wanted to file a complaint. Over 70% reported that they have called for police service and some had requested information from the police department or a police officer in the past three years. Residents were also asked to rate their major police concerns in their neighborhoods and communities. Police accountability to the public was rated as number one, followed by gangs, traffic, and burglaries/robberies. Juvenile crimes, police patrol, and graffiti were last.

WORKING WITH THE YOUTH

As in past years, the IPA focused resources in reaching out to the young adult community in San José. The IPA worked with various high schools and agencies that serve the youth in coordinating presentations to provide information about topics such as police practices and the different ways to file a complaint. The IPA was also able to dispel misconceptions about the law and police practices as well as provide the youth with suggested behavior when interacting with the police, thus helping to prevent conflict between the youth and the police.

REFERRAL SITES

This is the third year for the IPA referral sites program. Referral sites are located throughout the City, with at least one in every council district. Preferred locations for referral sites are community centers or other places frequently visited by the public. The goal of the referral sites is not to perform the duties of the IPA office, but to serve as information centers for residents who may be seeking information on the citizen complaint process.

This past year, the IPA added five new referral sites to its list of participants bringing the total to 36 referral sites city-wide. The first referral site was established in District 1, and more referral sites were added in Districts 3, 5, and 6. The IPA is also working with the San José Library and Fire Department by having IPA brochures available at 17 branch libraries and 31 fire stations.

PROFESSIONAL RECOGNITION

As one of the recognized experts in the profession of police oversight, the IPA continues to be contacted by other cities throughout the country for information about the IPA program. Representatives from the cities of Omaha, Nebraska; Austin, Texas; Providence, Rhode Island; and Fresno and Long Beach, California each interested in establishing or improving their own police oversight functions, invited the IPA to meet with their city officials and community leaders to provide information about San José's program.

CHAPTER FIVE YEAR END STATISTICS

This chapter provides a review of the complaint process, an explanation of the case classification definitions, and information about the different types of cases and complaints that were received in 2001. It provides statistical information about the allegations in the complaints, the findings for the investigations of these complaints, and the discipline imposed.

In 2001, there was a total of 461 cases received, which is a 34% decrease from the 694 cases received in 2000. Of these cases, 143 were classified as Formal complaints, which are those cases that contain serious misconduct allegations. This is a decrease of 77 Formal complaints from 2000. Similar statistical data is provided for Formal cases with Unnecessary Force allegations with a further breakdown of the type of injuries received by complainants.

In addition to data about Formal complaints, a variety of other data is provided including the number of complaints that were sustained after investigation, the number of complaints that were audited by the IPA; the number of cases audited in which the IPA requested further action, the number of complaints where the IPA disagreed with the findings of the SJPd, the number of each type of discipline that was imposed in 2001, and the number of officers that received Intervention Counseling

CHAPTER SIX

CASES BY COUNCIL DISTRICT

In this chapter, the Council District charts show cases and allegations in their respective City Council Districts. Typically, the highest number of cases (132 or 29% of all complaints) is generated in District 3, largely because of the diverse activities generated in the downtown area. District 5, a neighboring district, has the second highest number of cases with 46, and District 6 is a very close third highest with 45 cases.

CHAPTER SEVEN

STATISTICAL BACKGROUND OF THE SUBJECT OFFICER

Various types of statistical data concerning police officers receiving complaints are presented in this chapter. In 2001, 334 (24%) of the 1379 San José police officers received citizen complaints. Of the 334 officers receiving complaints, female officers received 15 or 4% of the complaints, which is lower than the 9% female make up of San José police officers.

The data also indicates that San José police officers received complaints by ethnicity in numbers comparable to their ethnic make up of the San José police force. For example, European American officers received 58% of the complaints and they represent 55% of the police force; Hispanic/Latino officers received 31% of the complaints and they represent 26% of the police force; and Asian American officers received 9% of the complaints and they represent 8% of the police force.

CHAPTER EIGHT

BACKGROUND OF COMPLAINANT BY COUNCIL DISTRICT

This chapter provides a visual representation of the background of the complainants for 2001. This information is gathered from a voluntary questionnaire complainants are asked to fill out. 121 male and 84 female complainants responded by returning the survey for a sample of 205 complainants. The data from this sample indicated, among other things, that complainants of Hispanic/Latino ethnicity filed 34% of the complaints; European American complainants filed 28%, and African American complainants filed 22% of the complaints. Other data presented concerns the Council district, age, educational level, and occupation of the complainant.